

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
HAWAII ELECTRIC LIGHT COMPANY, INC.) DOCKET NO. 2017-0122
)
For Approval of a Power Purchase)
Agreement for Renewable Dispatchable)
Firm Energy and Capacity.)

ORDER NO. **38215**

LIFTING DOCKET SUSPENSION AND MODIFYING THE PROCEDURAL SCHEDULE

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)	
)	
HAWAII ELECTRIC LIGHT COMPANY, INC.)	DOCKET NO. 2017-0122
)	
For Approval of a Power Purchase)	ORDER NO. 38215
Agreement for Renewable Dispatchable)	
Firm Energy and Capacity.)	
_____)	

LIFTING DOCKET SUSPENSION AND MODIFYING THE PROCEDURAL SCHEDULE

By this Order,¹ the Public Utilities Commission ("Commission") lifts the suspension placed on this docket by Order No. 38198,² and resumes this proceeding. Consistent with the procedural schedule, as most recently set forth in the

¹The Parties to this docket are HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO"), HU HONUA BIOENERGY, LLC ("Hu Honua"), and the DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"). The Commission has also granted Participant status to LIFE OF THE LAND ("LOL") and TAWHIRI POWER, LLC ("Tawhiri"). See Order No. 34554, "Opening a Docket to Review and Adjudicate Hawaii Electric Light Company, Inc.'s Letter Request for Approval of Amended and Restated Power Purchase Agreement, Filed in Docket No. 2012-0212 on May 9, 2017," filed May 17, 2017 ("Order No. 34554"). By letter filed January 12, 2022, Hamakua Energy, LLC, notified the Commission that it was withdrawing from this proceeding.

²Order No. 38198, "Suspending the Docket," filed January 26, 2022 ("Order No. 38198").

Commission's Prehearing Conference Order,³ the Commission will proceed with holding an evidentiary hearing on this matter; however, the Commission will amend the procedural schedule such that the evidentiary hearing will be scheduled for March 1, 2022, thru March 4, 2022.⁴ The Commission is issuing an Amended Notice of Hearing to reflect this update.

Pursuant to the procedural schedule, as established in Order No. 37852, and subsequently modified in Order Nos. 38104 and 38143,⁵ the evidentiary hearing in this proceeding was scheduled for Monday, January 31, 2022, thru Thursday, February 3, 2022.

On January 24, 2022, Hu Honua filed a notice of appeal of the Commission's Order Nos. 38169 and 38183⁶ with the Hawaii Supreme Court, which was assigned the case number SCOT-22-0000024 by the Court.

³See Prehearing Conference Order No. 38188, filed on January 19, 2022 ("Prehearing Conference Order").

⁴See Prehearing Conference Order at 16.

⁵See Order No. 37852, "Reopening the Docket," filed on June 30, 2021; Order No. 38104, "Granting with Modifications, the Division of Consumer Advocacy's Motion for Enlargement of Time Filed on December 3, 2021," filed on December 7, 2021; and Order No. 38143, "Modifying the Procedural Schedule," filed on December 22, 2021.

⁶Order No. 38169, "Denying Hu Honua Bioenergy, LLC's Motion to Continue Hearing," filed on January 6, 2022; and Order No. 38183, "Addressing Hu Honua Bioenergy, LLC's Motion Regarding Applicability of HRS Section 269-6," filed on January 13, 2022.

On January 26, 2022, the Commission, sua sponte, issued Order No. 38198, temporarily suspending this proceeding pending further details regarding SCOT-22-0000024.⁷

On January 26, 2022, LOL filed a motion to dismiss Hu Honua's appeal before the Court in SCOT-22-0000024.⁸

On February 4, 2022, the Court issued an order granting LOL's motion to dismiss, finding that it did not have appellate jurisdiction over Hu Honua's appeal.⁹

In light of the Court's Order dismissing Hu Honua's appeal, the Commission lifts the suspension on this docket and resumes proceedings. As noted above, the next procedural step is the evidentiary hearing. However, as the previously scheduled dates for the evidentiary hearing have passed, the Commission will modify the procedural schedule such that the hearing will now take place on March 1, 2022, thru March 4, 2022. The Commission is issuing an Amended Notice of Hearing to reflect this. In all other respects, the procedural steps and hearing provisions set forth in

⁷See Order No. 38198.

⁸See SCOT-22-0000024, In re Hawai'i Elec. Light Co., Inc., "Appellee Life of the Land's Motion to Dismiss Appeal for Lack of Appellate Jurisdiction," filed January 26, 2022.

⁹See SCOT-22-0000024, In re Hawai'i Elec. Light Co., Inc., "Order Granting Appellee Life of the Land's Motion to Dismiss Appeal for Lack of Appellate Jurisdiction," filed February 4, 2022.

the Prehearing Conference Order, and related orders,
remain in effect.

THE COMMISSION ORDERS:

1. The suspension on this docket is lifted.
2. The procedural schedule is modified as
set forth above.

DONE at Honolulu, Hawaii FEBRUARY 7, 2022.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By James P. Griffin
James P. Griffin, Chair

By Jennifer M. Potter
Jennifer M. Potter, Commissioner

By Leodoloff R. Asuncion, Jr.
Leodoloff R. Asuncion, Jr., Commissioner

APPROVED AS TO FORM:

Mark Kaetsu
Mark Kaetsu
Commission Counsel

2017-0122.ljk

CERTIFICATE OF SERVICE

Pursuant to Order No. 37043, the foregoing order was served on the date it was uploaded to the Public Utilities Commission's Document Management System and served through the Document Management System's electronic Distribution List.

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COMMISSION

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